

**APPROVED 12-15-11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, November 17, 2011 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Donald F. Clark, Secretary  
Joseph A. Cappucci  
Joseph P. Villano  
Mary Jane Mulligan, Alternate, sitting for Caren M. Genovese  
Cheryl A. Juniewicz, Alternate  
Walter M. Spader, Jr., Alternate

**MEMBERS ABSENT:**

Caren M. Genovese, Vice Chairman

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandi Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. He then explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

**PUBLIC HEARINGS:**

Mr. Clark read the call for the first Public Hearing.

1. #11-27      Application of Katherine Hagmann-Borenstein, Owner and Applicant, relative to 66 Homewood Avenue, (Map 42, Lot 84), per Section 2.1.1.9, requesting a front yard variance of 19.6' to permit a front yard setback of 30.4' where 50' is required. R-20 Zoning District.

Attorney Thomas McKeon representing the owner and applicant, presented the application to permit a front yard setback of 30.4' where 50' is required for an addition and a deck. The Board asked questions and Attorney McKeon responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

Mr. Clark read the call for the second Public Hearing.

2. #11-28      Application of Founders Preserve Hitching Post, LLC, Owner and Applicant, relative to 5 Hitching Post Circle, (Map 14, Lot 90), per Section 2.1.1.9, requesting a front yard variance of 20' to permit a front yard setback of 30' where 50' is required. R-40 Zoning District.

Mr. Michael Massimino, owner and applicant, presented the application to permit a front yard setback of 30' where 50' is required. Approving this variance will cause less of an impact on the property of an abutting neighbor. The Board asked questions and Mr. Massimino responded.

Mr. Hannon asked for public comment.

Public comment:

1. Jay Brennan, 127 Summer Lane, is an abutter of the 5 Hitching Post Circle parcel and is in favor of this application because it would allow his family to have more privacy.

There being no further public comment, the Public Hearing was closed

Mr. Clark read the call for the third Public Hearing.

3. #11-29      Application of LN 56 Associates, LLC, Owner and Applicant, relative to 39 State Street, (Map 66, Lot 27), per Section 8.3.3.1, requesting approval to enlarge an existing non-conforming building, and per Section 5.1.2, requesting a front yard variance of 58' to permit a front yard setback of 17' where 75' is required, and per Section 8.5.3.4.3, requesting a minimum driveway width variance of 6' to permit a 24' wide driveway where 30' is required, and per Section 8.5.3.4.4, requesting a minimum driveway radius variance of 10' to permit a minimum driveway radius of 10' where 20' is required. IL-30 Zoning District.

Mr. Bob Criscuolo, P.E., presented the application to enlarge an existing non-conforming building and to permit a front yard setback of 17' where 75' is required for a single story, 640 square feet addition. The applicant is also requesting a minimum driveway width of 24' where 30' is required and a minimum driveway radius of 10' where 20' is required to improve the traffic pattern on this site. The Board asked questions and Mr. Criscuolo responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

1. #11-27 Application of Katherine Hagmann-Borenstein, Owner and Applicant, relative to 66 Homewood Avenue.

Mrs. Mulligan moved to approve the application for the purpose of discussion; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye Mulligan - aye

In approving the application the Board stated the following:

1. The variance is limited to these proposed improvements only.
2. The request is reasonable.
3. The house predates zoning regulations.
4. The contour of the property is the hardship.
5. The variance will bring the property closer to conformity.

2. #11-28 Application of Founders Preserve Hitching Post, LLC, Owner and Applicant, relative to 5 Hitching Post Circle.

Mr. Clark moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye Mulligan - aye

In approving the application the Board stated the following:

1. The contour of the property is the hardship.

3. #11-29 Application of LN 56 Associates, LLC, Owner and Applicant, relative to 39 State Street.

Mr. Cappucci moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye Mulligan - aye

In approving the application the Board stated the following:

1. The variance is limited to this proposed addition only.
2. The property predates zoning regulations.
3. The configuration of the lot, having two front yards, and the state impeding on the property are the hardships.

**OTHER:** None

**CEASE AND DESIST ORDERS:**

Mr. Alan Fredricksen, Land Use Administrator, outlined current zoning violations with the Board.

**Quinnipiac University Students' Addresses**

- Quinnipiac students having more than three unrelated people living at the same residence. Mr. Hausman, Zoning Enforcement Office, sent a Cease & Desist Order to owners of the following residences on November 4, 2011.
  - Unit # 3331 Avalon Haven, 99 Broadway
  - 283 Kings Highway
  - 2111 Whitney Avenue
  - 1 Kent Drive
  - 102 Sackett Point Road
  - 9 Todd Drive
  - 475 Quinnipiac Avenue

**MINUTES:**

October 20, 2011

Mr. Clark moved to approve the minutes of the October 20, 2011 meeting; Mr. Villano seconded the motion; the Board members voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye Mulligan – aye

**ADJOURN:**

There being no further business, Mr. Cappucci moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:15 PM.